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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,972	01/17/2002	Robert Selfridge	T7029CIPPCT.US	9911
20551	7590	01/24/2006	EXAMINER	
THORPE NORTH & WESTERN, LLP. 8180 SOUTH 700 EAST, SUITE 200 SANDY, UT 84070			LEE, PING	
			ART UNIT	PAPER NUMBER
			2644	
DATE MAILED: 01/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/787,972

Applicant(s)

SELFRIDGE ET AL.

Examiner

Ping Lee

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-118 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-118 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant filed an election on 11/10/05 in response to election/restriction requirement mailed on 10/6/05. However, upon further review, examiner vacated the previous election/restriction requirement. A new election/restriction is listed below. Examiner would like to apologize for the delay.

### ***Election/Restrictions***

2. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species 1 as shown in Figs. 2, 2a and 2b;

Species 2 as shown in Figs. 3, 3a, 3b and 3c;

Species 3 as shown in Figs. 4, 4a and 4b;

Species 4 as shown in Fig. 4c;

Species 5 as shown in Figs 5, 5a and 5b;

Species 6 as shown in Figs. 8-11a, 11b and 13;

Species 7 as shown Figs. 15 and 16;

Species 8 as shown in Fig. 17;

Species 9 as shown in Fig. 18;

Species 10 as shown in Fig. 19;

Species 11 as shown in Fig. 20;

Species 12 as shown in Fig. 21;  
Species 13 as shown in Fig. 22;  
Species 14 as shown in Fig. 23;  
Species 15 as shown in Fig. 24;  
Species 16 a shown in Fig. 25;  
Species 17 as shown in Fig. 26;  
Species 18 as shown in Fig. 27;  
Species 19 as shown in Figs. 28 and 29; and  
Species 20 as shown in Figs. 30-32.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

3. The claims are deemed to correspond to the species listed above in the following manner:

Claims 1-4, 7, 8, 11, 12, 16, 17, 19-22, 24-31, 34, 35, 39, 40, 43-49, 51, 79, 82, 83, 85, 86 and 91-93 correspond to species 2;

Art Unit: 2644

Claims 1-4, 9-12, 16, 19-22, 24-30, 34-38, 40, 43-51, 79, 80, 82, 83, 85, 86, 89 and 91-93 correspond to species 3;

Claims 1-3, 11, 12, 15, 19, 20, 79, 82, 85 and 91-93 correspond to species 4;

Claims 1-3, 11-14, 19-21, 24-28, 32-35, 40, 42-50, 52, 53, 56-61, 79-82, 84, 85 and 88-93 correspond to species 5;

Claims 1-4, 13, 14, 19-22, 24, 26-28, 32, 33, 40, 42, 43, 46-49, 53-56, 62-82, 84, 85, 87, 88 and 91-93 correspond to species 6;

Claims 1-3 and 94-97 correspond to species 12;

Claims 1, 3, 5 and 98-114 correspond to species 17;

Claims 1-3, 24, 26-28, 36, 40, 43, 46-49, 53, 56, 79-82, 84, 85, 88, 91-93 and 115-118 correspond to species 19.

The following claim(s) are generic: claims 1 and 3 are generic to all species.

4. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

the special technical feature of species 2 invention is the particular of an array of elongate arcuate emitter sections formed within the film having a configuration of a rectified sine form as claimed therein while

the special technical feature of species 3 invention is the particular of an array of elongate arcuate emitter sections formed within the film having a sine form as claimed therein while

the special technical feature of species 4 invention is the particular of selecting a diaphragm having a dipolar propagation mode claimed therein while

the special technical feature of species 5 invention is the particular of concave dimpled transducer diaphragm claimed therein while

the special technical feature of species 6 invention is the particular of a hollow drum and a rigid emitter plate claimed therein while

the special technical feature of species 12 invention is the particular of foam member including conductive properties and small cavities as claimed therein while

the special technical feature of species 17 invention is the particular of a magnetic film diaphragm claimed therein while

the special technical feature of species 19 invention is the particular of a rigid core member including means for enhancement of at least one resonant frequency operable as a carrier frequency as claimed therein.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Art Unit: 2644


6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping Lee whose telephone number is 571-272-7522.

The examiner can normally be reached on Monday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ping Lee  
Primary Examiner  
Art Unit 2644

pwl